

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MARIO E. PORRATA COLON,
Plaintiff,

CIVIL NO. 04-2211 (DRD)

v.

**SUPREME COURT OF THE
UNITED STATES OF AMERICA,**
Defendant

ORDER

The above captioned case is a declaratory action against the Supreme Court of the United States. Plaintiff seeks this District Court declare that Puerto Rico, a territory of the United States of America, has already been incorporated into the Union and, as such, deserves the full application of the Constitution of the United States. Plaintiffs comes on behalf of “the people of Puerto Rico.”

Now, pending before the Court is respondent’s *Memorandum of Points and Authorities in Support of Defendant’s Motion to Dismiss*. (Docket No. 3). Defendant moves the Court to dismiss the instant case due to plaintiff’s failure to comply with any of the three requirements for Article III standing, and to properly effect service upon defendant. Finally, defendant purports that dismissal is warranted for this Court lacks authority to enter relief against the federal Supreme Court. Plaintiff duly filed his opposition wherein he asks the Court not to dismiss the complaint on mere legal technicalities. (Docket No. 4).

Regardless of whether plaintiff possesses adequate Article III standing to bring forth the present suit, the Supreme Court of the United States has, on more than one occasion, made clear that, although Puerto Rico is no longer a territory in the constitutional sense, it is still a dependency or insular possession for statutory purposes. Thus, Congress maintains a continued plenary power to treat Puerto Rico differently from the states. That is, they may make all needful rules and regulations that vary from those created for the States so long as there is a rational basis for said actions. *See Territorial Clause*, U.S. Const. Art. IV, § 3, cl. 2; *see also Harris v. Rosario*, 446 U.S. 651, 651-52, 100 S.Ct. 1929 (1980); *Califano v. Torres*, 435 U.S. 1, 3 n.4, 98 S.Ct. 906 (1978); JUAN R. TORRUELLA, *THE SUPREME COURT AND PUERTO RICO: THE DOCTRINE OF SEPARATE AND UNEQUAL* 190 (1985).

Accordingly, this Court must **GRANT** defendant’s request at Docket No. 3, and **DISMISS WITH PREJUDICE** all of plaintiff’s claims against it.

IT IS SO ORDERED.

Date: May 27, 2005

s/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE